

ORDER NO. 4224

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Before Commissioners:

Robert G. Taub, Chairman;  
Mark Acton, Vice Chairman;  
Tony Hammond; and  
Nanci E. Langley

Market Dominant Product Prices  
Inbound Market Dominant PRIME Tracked  
Service Agreement (MC2017-71)  
Negotiated Service Agreement

Docket No. R2017-3

ORDER ACKNOWLEDGING REVISED VERSION OF INBOUND PRIME TRACKED  
SERVICE AGREEMENT

(Issued November 17, 2017)

I. INTRODUCTION

The Postal Service filed a notice of a revised version of the Inbound Market Dominant PRIME Tracked Service Agreement (PRIME Tracked Service Agreement).<sup>1</sup> For the reasons discussed below, the Commission acknowledges the Revised Agreement.

---

<sup>1</sup> Notice of United States Postal Service of Filing Revised Version of Inbound Market Dominant PRIME Tracked Service Agreement, November 15, 2017 (Notice). The revised version is an attachment to the Notice (Revised Agreement).

In Order No. 3755, the Commission added PRIME Tracked Service Agreement (Existing Agreement) to the market dominant product list (Existing Agreement).<sup>2</sup> On November 15, 2017, the Postal Service filed notice that it has agreed to the Revised Agreement.

The Postal Service states that the Revised Agreement is scheduled to go into effect on January 1, 2018. Notice at 2. The Postal Service identifies numerous differences between the Existing Agreement and the Revised Agreement, but asserts that the differences do not affect rates, fees, or mail classification of the PRIME Tracked Service Agreement.<sup>3</sup>

## II. COMMISSION ANALYSIS

The Commission has reviewed the Notice and the accompanying materials filed under seal.

The Commission analyzes a market dominant negotiated service agreement (NSA) under 39 U.S.C. § 3622(c)(10), which requires that a market dominant NSA: (1) improves the net financial position of the Postal Service or enhances the performance of operational functions; (2) will not cause unreasonable harm to the marketplace; and (3) will be available on public and reasonable terms to similarly situated mailers. Pursuant to 39 U.S.C. § 407(d)(2), the Postal Service is required to provide the Commission with a copy of a contract with foreign agencies related to providing international postal and/or delivery services.

The Revised Agreement revised various articles and annexes of the contract. Notice at 1-2. The Commission concludes that the Revised Agreement is substantially similar to the Existing Agreement and the differences between them do not fundamentally alter the service the Postal Service will provide under the Existing

---

<sup>2</sup> See Docket Nos. MC2017-71 and R2017-3, Order Adding Inbound PRIME Tracked Service Agreement to Market Dominant Product List, January 17, 2017 (Order No. 3755).

<sup>3</sup> *Id.* at 1-2. Differences include, among others, revisions to existing articles and revisions to existing annexes. *Id.*

Agreement or the structure of the Existing Agreement. Nor should the differences in the Revised Agreement affect the costs and revenue of the Existing Agreement. Thus, the Commission finds that the Revised Agreement comports with the statutory and regulatory provisions applicable to rates for market dominant products.

*It is ordered:*

The Commission acknowledges the revisions made to the PRIME Tracked Service Agreement.

By the Commission.

Stacy L. Ruble  
Secretary